



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re U.S. Patent Application Of:)
Housh Khoshbin, Kenneth J. Pavloski,)
Marc Shoemaker and William Brown)
Application No.: 10/662,133)
Filed: September 12, 2003)
For: METHOD AND APPARATUS FOR INTERFACING)
WITH A POINT OF SALE DEVICE)

Mail Stop Petition | 03/29/2004 SFELEKE1 00000046 10662133 .
Commissioner for Patents | 06 FC:1460 | 130.00 OP
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER C.F.R § 1.47(a) TO ACCEPT
THE DECLARATION WITHOUT TWO INVENTOR SIGNATURES**

Dear Sir:

In accordance with 35 U.S.C. § 116 and 37 C.F.R. § 1.47(a), Applicant and co-inventor Housh Khoshbin respectfully requests entry of the attached Declaration and Power of Attorney, without the signatures of inventors Marc Shoemaker and William Brown.

Marc Shoemaker and William Brown refuse to execute the Declaration and have given clear indications that further cooperation by them in the prosecution of the Application will not be forthcoming. (*See* Exhibit A, Declaration of Facts of Housh Khoshbin). As explained in the Declaration of Facts of Housh Khoshbin, Mr. Khoshbin presented a copy of the Application and Application papers to Mr. Shoemaker and Mr. Brown, on several occasions, for signature and repeatedly explained to Mr. Shoemaker and Mr. Brown the legal significance of these documents. (*See* Exhibit B). Mr. Shoemaker and Mr. Brown have already assigned the invention to Mr. Khoshbin in a Mutual Assignment and License Agreement. (*See* Exhibit C).

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Although Section III of this Agreement assigns the patent rights to Mr. Khoshbin, Mr.

Shoemaker and Mr. Brown refuse to sign the Declaration and Power of Attorney.

On February 17, 2004, a letter enclosing a Declaration and Power of Attorney, along with a copy of the Patent Application as filed, was sent directly to Mr. Leonard Novara, President of Innotech Systems, Inc. at 310 Main Street, Port Jefferson, NY 11777. (See Exhibit D). Copies were also sent directly to Mr. Shoemaker and Mr. Brown at that same address. To date, there has been no response.

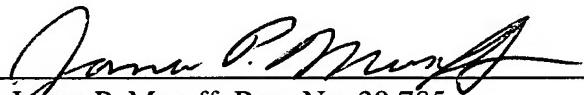
Thus, Applicant respectfully requests that the present Application be accepted without the signatures of Marc Shoemaker and William Brown within the Declaration and Power of Attorney.

Our check No. 20242 in the sum of \$130 as required under 37 C.F.R. § 1.17(h) also is submitted herewith.

Respectfully submitted,

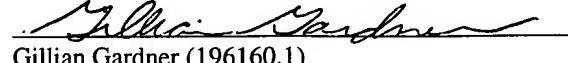
Dated: March 22, 2004

By:


James P. Muraff, Reg. No. 39,785
Wallenstein Wagner & Rockey, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6622
312.554.3300

Attorney for Applicants

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 22, 2004.


Gillian Gardner (196160.1)